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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,066	09/11/2003	Brian K. Smith	CE11386J1121	6166
24273	7590	11/28/2007	EXAMINER	
MOTOROLA, INC			DEAN, RAYMOND S	
INTELLECTUAL PROPERTY SECTION			ART UNIT	
LAW DEPT			PAPER NUMBER	
8000 WEST SUNRISE BLVD			2618	
FT LAUDERDAL, FL 33322			MAIL DATE	
			DELIVERY MODE	
			11/28/2007	
			PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/660,066

Applicant(s)

SMITH ET AL.

Examiner

Raymond S. Dean

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-16 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 7, 2007 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1 - 3 and 17 have been considered but are moot in view of the new ground(s) of rejection.

During passive scanning a station receives probe responses from an access point and does not transmit probe requests, which is active scanning. The probe responses are in response to probe requests. Since stations in passive scanning mode only receive probe responses and said probe responses are in response to probe requests there can be a scenario wherein a passive scanning station can receive probe responses in response to probe request by an active scanning station. Kaidar thus further reads on the limitations in question.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 – 3 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Kaidar et al. (US 2004/0264413).

Regarding Claim 1, Kaidar teaches a method of receiving RF signal quality information comprising the steps of: at a first station, receiving a plurality of probe responses transmitted from an access point to the first station over a channel (Sections 0001, 0020, during passive scanning the station receives a plurality of probe responses, See Response To Arguments above); determining a current transmit rate of the probe responses (Sections 0001, 0020, in typical WLANs the stations synchronize with the probe responses such that information can be extracted, in order for said synchronization to take place there will be a determination of the transmit rate of the probe responses); synchronizing signal processing to the current transmit rate of the probe responses (Sections 0001, 0020, in typical WLANs the stations synchronize with the probe responses such that information can be extracted); and processing the probe responses to determine a signal quality of the channel or a transmission protocol being

used over the channel (Section 0020); wherein the probe responses are transmitted in reply to probe requests generated by a second station and wherein the probe requests are transmitted from the second station to the access point (Section 0001, passive scanning, See Response To Arguments above).

Regarding Claim 2, Kaidar teaches all of the claimed limitations recited in Claim

1. Kaidar further teaches the first station generating a probe request responsive to failing to receive a probe response for a predetermined period of time (Section 0001, in typical WLANs, if the station cannot detect probe responses said station will generate a probe request).

Regarding Claim 3, Kaidar teaches all of the claimed limitations recited in Claim

1. Kaidar further teaches the first station delaying a start of channel monitoring (Section 0001, in typical WLANs, the station can delay the channel monitoring in order for synchronization to occur).

Regarding Claim 17, Kaidar teaches a system for synchronizing a radio transceiver to a wireless local area network, comprising: a first receiver for receiving a plurality of probe responses over a channel in response to at least one probe request, wherein the probe responses are transmitted from an access point in response to probe requests transmitted from another device to the access point (Sections 0001, 0020, during passive scanning the station receives a plurality of probe responses, See Response To Arguments above); a processor in the radio transceiver programmed to: initiate a probe request if no probe responses are detected at the first receiver (Section 0001, in typical WLANs, if the station cannot detect probe responses said station will

generate a probe request); stop further probe requests if probe responses in response to probe requests from the other device are received at the radio receiver (Section 0001, in typical WLANs, the station will halt transmission of probe requests when synchronization with the probe responses occurs); and synchronize to the probe requests from the other device or the probe responses transmitted from the access point in response to the probe requests transmitted from the other device (Sections 0001, 0020, passive scanning, in typical WLANs the stations synchronize with the probe responses such that information can be extracted).

Allowable Subject Matter

5. The following is a statement of reasons for the indication of allowable subject matter:

Claims 4 – 16 are allowable for the same reasons set forth in the Office Action dated March 21, 2007.

Conclusion

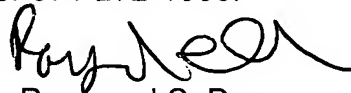
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond S. Dean whose telephone number is 571-272-7877. The examiner can normally be reached on Monday-Friday 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

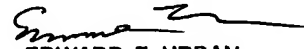
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Raymond S. Dean
November 13, 2007



EDWARD F. URBAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600